

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA,
ATLANTA DIVISION

CONSUMER FINANCIAL
PROTECTION BUREAU,

Plaintiff,

v.

UNIVERSAL DEBT & PAYMENT
SOLUTIONS, LLC, *et al.*,

Defendants.

Civil Action No.
1:15-cv-00859-RWS

**CONSENT MOTION TO CONTINUE MARCH 29, 2022 HEARING ON
EMERGENCY MOTION FOR AN ORDER DIRECTING THAT
MARCUS BROWN AND SARITA BROWN APPEAR AND SHOW
CAUSE WHY THEY SHOULD NOT BE HELD IN CONTEMPT AND
FOR SANCTIONS AND STATUS REPORT**

Plaintiff, the Consumer Financial Protection Bureau (“Bureau”), respectfully submits this request for continuance of the hearing scheduled for March 29, 2022 due to the partial compliance of Marcus Brown and Sarita Brown since Plaintiff filed the Emergency Motion (ECF No. 733). Plaintiff’s counsel has spoken with Brown’s counsel Alan Hoffman and obtained his consent to this motion. Plaintiff reports as follows:

I. Status Report

Plaintiff filed its Emergency Motion on January 27, 2022. The Emergency Motion sought an order directing Defendants Marcus Brown and Sarita Brown to appear and show cause why they should not be held in contempt for violating the Court's October 20, 2021 Order Granting Plaintiff's Motion for Permanent Injunction, Consumer Redress, and Civil Money Penalties against Marcus Brown, Sarita Brown, and WNY Account Solutions, LLC and Entering Final Judgment Against Them (ECF No. 717, "Order"). The Emergency Motion explained that the two Defendants had failed to satisfy any of the compliance reporting required by the Order, which substantially impeded the Bureau's ability to monitor their financial and business activities to reduce the likelihood that they will continue to victimize consumers. ECF No. 733-1. The Court set a hearing date of March 29, 2022 for the Emergency Motion. ECF No. 737.

Commencing on February 3, 2022, and continuing for several weeks thereafter, Marcus Brown began to send compliance material to the Bureau. So far, he has provided the following: (a) acknowledgements signed by himself and by Sarita Brown, pursuant to Paragraph 79 of the Order; (b) updated financial disclosure statements for himself and for Sarita Brown, pursuant to Paragraph 88 of the Order and the Bureau's December 9, 2021

written request to the Defendants; and (c) money orders from the Defendants totaling \$750 from Marcus Brown and \$250 from Sarita Brown, which Marcus Brown stated were partial payments in respect of the civil money penalties imposed on them. *See* Order ¶ 62.

The Defendants still have not satisfied Paragraph 78 of the Order, which requires them to detail their compliance with each of the Order's injunctive provisions. This reporting is necessary to ensure that the Defendants have given their attention to each injunctive provision and to provide the Bureau with details concerning their compliance. However, given the Defendants' recent efforts to comply with the Order, the Bureau is willing to work with them on completing the reports required by Paragraph 78.

II. Request for continuance of March 29, 2022 hearing

Given the above developments, the Bureau respectfully requests, with the consent of Mr. Hoffman, that the hearing on the Emergency Motion be continued for 30 to 60 days to a date convenient for the Court. Should the Defendants comply with Paragraph 78 in the interim, the Bureau intends to withdraw the Emergency Motion.

Dated: March 10, 2022

Respectfully Submitted,

Attorneys for Plaintiff

Consumer Financial Protection Bureau:

ERIC HALPERIN
Enforcement Director

DAVID RUBENSTEIN
Deputy Enforcement Director

THOMAS KIM
Assistant Deputy Enforcement Director

/s/ Mary K. Warren

Mary K. Warren (NY bar #2557684)
ENFORCEMENT ATTORNEY
1700 G Street NW
Washington, DC 20552
Phone (Warren): 202-435-7815
Email: Mary.Warren@cfpb.gov
Fax: 202-435-7722

and

Local Counsel

KURT ERSKINE, U.S. ATTORNEY

LORI BERANEK
ASSISTANT U.S. ATTORNEY
Georgia Bar No. 666825
600 Richard B. Russell Federal Bldg.
75 Spring Street, S.W.
Atlanta, GA 30303
Telephone: (404) 581-6225
Facsimile: (404) 581-6163
Email: lori.beranek@usdoj.gov

CERTIFICATE OF COMPLIANCE

The undersigned attorney hereby certifies, pursuant to LR 7.1.D, that the foregoing document was prepared in Century Schoolbook 13 point font.

/s/ Mary K. Warren

Dated: March 10, 2022

Mary K. Warren
Senior Litigation Counsel

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on this day a true and correct copy of the foregoing document was filed with the clerk of court using the CM/ECF system, which will automatically send email notification of the filing to all attorneys of record, and was mailed by United Parcel Service to the following defendants that do not have access to the CM/ECF system:

Marcus Brown
142 Stratford Road
Buffalo, NY 14202

Sarita Brown
574 W. Utica Street
Buffalo, NY 14213

/s/ Mary K. Warren

Dated: March 10, 2022

Mary K. Warren
Senior Litigation Counsel